

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division**

LISA A. WOLFF,

Plaintiff,

v.

CA No. L02-CV-3932

LITTON ADVANCED SYSTEMS,
INC.

and

NORTHROP GRUMMAN SYSTEMS
CORPORATION

Defendants.

JOINT MOTION FOR EXTENSION OF DISCOVERY DEADLINES

Plaintiff Lisa A. Wolff and Defendant Northrop Grumman Corporation (“Northrop Grumman”), by and through their undersigned counsel, respectfully request that this Court extend the deadlines for complying with expert disclosure requirements and other discovery deadlines as set forth in the Court’s Orders, dated March 25, 2003 and May 28, 2003.

The current deadline for Plaintiff to designate experts was June 13, 2003. On June 12, 2003, Plaintiff identified four individuals as experts, two of whom are treating physicians of Plaintiff.^{1/} Plaintiff did not provide expert reports for the remaining two individuals identified as

1/ Pursuant to Local Rule 104.10 of the District of Maryland and controlling case law in this jurisdiction, treating physicians are hybrid fact/expert witnesses and not subject to the discovery deadlines applicable to expert witnesses. See, e.g., Yazdani v. Pan-Am. Life Ins. Co., No. 02-1418, 2002 WL 32098288, at *1-2 (D. Md. Nov. 25, 2002) (holding treating physicians are hybrid fact/expert witnesses not subject to deposition deadlines set (continued)

experts, Dr. Thomas Borzilleri and Karen Bartleson, as required by Rule 26(a)(2) of the Federal Rules of Civil Procedure (“FRCP”). On June 30, 2003, the parties conferred via telephone concerning the required compliance with FRCP 26(a)(2) and specifically, the provision of expert reports from designated experts Dr. Borzilleri and Ms. Bartleson. Because of personal matters that have required the attention of Plaintiff’s counsel, the Parties respectfully jointly request that this Court extend the deadlines for expert designations and disclosures as follows: Plaintiff’s designation and disclosures in compliance with FRCP 26(a)(2) – July 18, 2003; deadline for deposition of Plaintiff’s experts – August 18, 2003; Defendant’s designation and disclosures in compliance with FRCP 26(a)(2) – September 18, 2003; deadline for deposition of Defendant’s experts - October 20, 2003.

Because of these requested changes to the deadlines for expert designations and disclosures, the Parties also respectfully request that this Court modify additional discovery deadlines as follows: Close of discovery – October 20, 2003; Counsel to submit a Joint Status Report – October 24, 2003; Motions deadline – November 24, 2003; Pretrial Conference – January 26, 2004.

by Court for expert witnesses); Sullivan v. Glock, 175 F.R.D. 497, 500 (D. Md. 1997) (treating physician is hybrid witness not subject to Rule 26(a)(2) expert requirements).

Respectfully submitted,

/s/ (by C. Cox)
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Dated: July 3, 2003

/s/
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Counsel for Defendant
NORTHROP GRUMMAN CORP.

Dated: July 3, 2003

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Defendants.

ORDER

Upon consideration of the Parties' Joint Motion for Extension of Discovery Deadlines, it is by the Court this _____ day of _____, 2003 **ORDERED** that the Parties' Motion is hereby **GRANTED**; and

the Court's Orders, dated March 25, 2003 and May 28, 2003, are amended as follows:

Plaintiff's designation of experts in compliance with FRCP 26(a)(2) – July 18, 2003;

Deadline for deposition of Plaintiff's experts – August 18, 2003;

Defendant's designation of experts in compliance with FRCP 26(a)(2) – September 18, 2003;

Deadline for deposition of Defendant's experts – October 20, 2003;

Close of discovery – October 20, 2003;

Counsel to submit a Joint Status Report – October 24, 2003;

Motions deadline – November 24, 2003;

Pretrial Conference – January 26, 2004.

Judge William D. Quarles, Jr.
United States District Judge
for the District of Maryland

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